

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Fire

AGENDA DATE: November 8, 2011

CONTACT PERSON/PHONE: Otto Drozd, Fire Chief, 485-5605

DISTRICT(S) AFFECTED: All

SUBJECT:

Approve an Ordinance amending Title 9 (Health and Safety), Chapter 9.52. (Fire Prevention Code), Section 9.52.130 (Chapter 33, Explosives and Fireworks, Amended) to change the effective date of the discontinuance, and abatement of any prior variance or exception to the fireworks ban.

BACKGROUND / DISCUSSION:

As resolution to pending litigation TNT Fireworks will abandon its use of the property located at 130 Farm Road 259, Canutillo, Texas as a fireworks storage warehouse effective January 6, 2012, if the City amends Subsection 9.52.130.1 of the El Paso City Code to extend the amortization period of the abatement of a variance or exception to the fireworks ban until January 6 2012. As further consideration TNT Fireworks will add the City of El Paso to its certificates of insurance to protect the City from liability during the extension period and waive any claims to attorney fees. This compromise will mitigate any short term exposure to the City and provide for the long term life safety of our community while providing a cost savings to the taxpayer by averting further legal proceedings.

PRIOR COUNCIL ACTION:

None

AMOUNT AND SOURCE OF FUNDING:

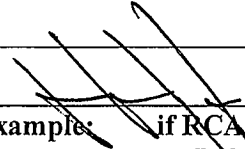
N/A

BOARD / COMMISSION ACTION:

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

(Example:  if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA: _____

CITY MANAGER: _____

DATE: _____

2011 OCT 27 PM 5:32

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.52 (FIRE PREVENTION CODE), SECTION 9.52.130 (CHAPTER 33, EXPLOSIVES AND FIREWORKS, AMENDED) TO CHANGE THE EFFECTIVE DATE OF THE DISCONTINUANCE AND ABATEMENT OF ANY PRIOR VARIANCE OR EXCEPTION TO THE FIREWORKS BAN; THE PENALTY AS PROVIDED IN SECTION 9.52.030 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.130 (Chapter 33, Explosives and Fireworks, Amended) be amended to read as follows:

9.52.130 - Chapter 33, Explosives and Fireworks, amended.

International Fire Code, 2009 Edition, Chapter 33, Explosives and Fireworks, is hereby adopted in its entirety with the following amendments:

9.52.130.1 Section 3301.1.3 Fireworks, amended. International Fire Code, 2009 Edition, Section 3301.1.3 Fireworks, is hereby amended to read as follows:

3301.1.3 Fireworks. Fireworks are declared to be a nuisance. No person shall possess, manufacture, store, sell, handle, or use fireworks within the city limits of El Paso or within 5000 feet beyond the city limits now defined here as the Fireworks Enforcement Zone, except as provided in Sections 9.52.030.14 Required operational permits, as amended, and 9.52.130.19 Explosive storage at blast sites, as amended, of this Chapter.

Except as provided herein, there shall be no variance or exception granted to the prohibition contained in this section. Any prior variance or exception granted to this fireworks ban is hereby discontinued and shall be abated by January 6, 2012.

Exception: The use of fireworks for fireworks displays as allowed in Section 3308.

Section 2. That except as expressly amended herein Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code) shall remain in full force and effect.

(Signatures follow on next page)

ORDINANCE NO. _____

PASSED AND APPROVED this _____ day of _____, 2011.


CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Josette Flores
Assistant City Attorney

APPROVED AS TO CONTENT:



Otto Drozd, Fire Chief
El Paso Fire Department

CITY CLERK DEPT.
2011 OCT 27 PM 5:32

ORDINANCE NO. _____
11-1006-044/PL#89156v2/ORD/AMD 9.52.130/JF

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.52 (FIRE PREVENTION CODE), PARAGRAPH 9.52.130 (CHAPTER 33, EXPLOSIVES AND FIREWORKS, AMENDED) TO CHANGE THE EFFECTIVE DATE OF THE DISCONTINUANCE AND ABATEMENT OF ANY PRIOR VARIANCE OR EXCEPTION TO THE FIREWORKS BAN; THE PENALTY AS PROVIDED IN SECTION 9.52.030 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Paragraph 9.52.130 (Chapter 33, Explosives and Fireworks, Amended) be amended to read as follows:

9.52.130 - Chapter 33, Explosives and Fireworks, amended.

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Except as provided herein, there shall be no variance or exception granted to the prohibition contained in this section. Any prior variance or exception granted to this fireworks ban is hereby discontinued and shall be abated ~~within ninety (90) days of the adoption of this ordinance~~ by January 6, 2012.

Exception: The use of fireworks for fireworks displays as allowed in Section 3308.

Section 2. That except as expressly amended herein Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code) shall remain in full force and effect.

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